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Letter dated 25 March 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

I have the honour to forward a letter addressed to you by President Isaias Afwerki, dated 25 March 2008, regarding the situation between Eritrea and Ethiopia (see annex).

I should be most grateful if the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador, Permanent Representative

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Annex to the letter dated 25 March 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

Allow me to emphasize at the outset that we shall continue to bring to your attention core legal issues that warrant appropriate response. We shall continue to do so in spite of our deep disappointment in the past months where our repeated pleas seem to be routinely ignored while unjustified efforts are exerted to get us bogged down with tangential issues.

The Algiers Agreement and its fundamental tenets cannot be diluted, nullified or forgotten even with the passage of time.

Indeed, as you are aware, the "final and binding" decision of the Eritrea-Ethiopia Boundary Commission, which was determined almost six years ago now, is duly deposited in the files of the United Nations.

When the United Nations and its Security Council failed to shoulder their responsibilities causing the implementation of the decision to be delayed for too long, the Commission completed its task by implementing the demarcation of its "final and binding" award through a methodology that does not leave any loopholes. In the event, any explicit or implicit endeavour to question or dilute the "validity" of the award and the demarcation effected accordingly would be tantamount to circumventing legality and the rule of law.

As it happens, the boundary between Eritrea and Ethiopia has not only been delimited but it has also been demarcated without ambiguity. Whether pillars are placed along the border or not is in fact immaterial for all legal and practical purposes. It is indeed doubtful whether there is a single case in the African continent where the boundary has been delimited and demarcated with as much clarity and precision as the boundary between Eritrea and Ethiopia.

The critical question thus remains: how can the United Nations and the Security Council shun their responsibilities when the Ethiopian regime continues to occupy sovereign Eritrean territories in gross violation of international law and the Charter of the United Nations and in a situation where the border has been duly and clearly demarcated? Indeed, the first and foremost responsibilities and obligations of the United Nations and the Security Council can be no other than ensuring the evacuation of Ethiopian occupation from sovereign Eritrean territories.

To evade these fundamental issues or to indulge in other tangential matters can only be interpreted as, and will only lead to, a "legitimization" of invasion and occupation.

As you will agree, the Government of Eritrea cannot possibly accept, under any conditions, arrangements that will end up "legitimizing" the occupation of its sovereign land. No country, no international organization or power, can resort to unlawful practices that ultimately "legitimize" occupation in breach of international law and the Charter of the United Nations.

Against the backdrop of these realities, seemingly benign considerations advanced to "implement the decision of the Boundary Commission and to put pillars on the ground" are really designed to entangle the finished case in an intractable web of problems. The boundary has been delimited and demarcated.

In this context, the continuous provocations by Ethiopia and its supporters to foment and escalate "tension in the border" are transparent indeed. Their main desire is to deflect attention from the cardinal issue and to embroil the Security Council in tasks that are neither necessary nor justified. The United Nations cannot fall into the trap and embark on another unwarranted task while abandoning its primary obligations.

The other perplexing phenomenon is the attempt to manipulate and distort facts regarding the United Nations Mission in Ethiopia and Eritrea (UNMEE) in order both to divert attention from the critical issue and to portray Eritrea as the guilty party.

To request "Eritrea's views on the future role" of UNMEE is again tantamount to nudging us to abandon the cardinal issue and to accept and legitimize the occupation of our land. In the event, I would hope that you and the Security Council will not expect us to accept arrangements that contravene legality.

We have no appetite for, and we do not wish to dwell any longer, on minor matters such as "fuel supplies to UNMEE, or its equipment and properties". We harbour no wish whatsoever to retain any of the equipment of UNMEE. And when informed fully and clearly on the operational details regarding the evacuation of UNMEE, it will not be difficult for us to put in place what we deem are appropriate measures towards its smooth implementation.

In any case, I wish to underline that we shall not compromise our legal stance and approach irrespective of the negative and unconstructive campaigns that have been and may continue to be directed against us by misconstruing these tangential issues.

I urge you once again to ensure the evacuation of the Ethiopian occupation from our sovereign territories for the sake of the respect of international law and the Charter of the United Nations; for the sake of peace and the good-neighbourly ties of the peoples of Eritrea and Ethiopia; and for the sake of the peace and stability of our region.

(*Signed*) Isaias Afwerki